

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DARIUS LAW,
Plaintiff,

-vs.-

RALPH K. MAYERS, PLLC and
AMERICAN NATIONAL ADJUSTMENT CORPORATION,
Defendants.

COMPLAINT AND JURY DEMAND

**NOW COMES THE PLAINTIFF, DARIUS LAW, THROUGH
COUNSEL, MICHIGAN CONSUMER CREDIT LAWYERS, BY GARY D.
NITZKIN, and for his Complaint against the Defendants pleads as follows:**

JURISDICTION

1. This is an action for damages, brought against a debt collector for violating the Fair Debt Collection Practices Act at 15 U.S.C. § 1692 et seq. ("FDCPA"), Michigan Collection Practices Act at M.C.L. § 445.251 et seq. ("MCPA") and the Michigan Occupational Code at M.C.L. § 339.901 et seq. ("MOC").

VENUE

2. The transactions and occurrences which give rise to this action occurred in Oakland County, Michigan.
3. Venue is proper in the Eastern District of Michigan.

PARTIES

4. The Defendants to this lawsuit are:
 - a. Ralph K. Mayers, PLLC (“Ralph K. Mayers”), which is a Michigan company that maintains its registered offices in Oakland County, Michigan; and
 - b. American National Adjustment Corporation (“American National”), which is a Michigan corporation that maintains its registered offices in Oakland County, Michigan.

GENERAL ALLEGATIONS

5. Defendant American National, through its attorney, Ralph K. Mayers, is attempting to collect a consumer type debt originally owed to Cred-O-Matic Finance Corp. for a car loan in the amount of \$7,908.62 (the “Debt”).
6. In 2008, Mr. Law purchased a used vehicle from Cred-O-Matic Finance Corp. for \$13,668.96 and he purchased a warranty on the vehicle as well.

7. Shortly thereafter, the vehicle broke down and Cred-O-Matic refused to honor the warranty that Mr. Law purchased, so he stopped making payments on it.
8. The last time that Mr. Law made a payment on the alleged Debt was in September 2009, right before he went into the military.
9. In December 2009, Mr. Law voluntarily surrendered the vehicle, which is the subject of the alleged Debt, while he was on active duty.
10. On or about October 4, 2016, American National, being represented by attorney Ralph K. Mayers, filed a lawsuit against Mr. Law over the alleged Debt.
11. The lawsuit was filed in the 50th Judicial District Court in Pontiac, Michigan and it was mailed to his father's address, which is 14394 Southfield Fwy., Detroit, MI 48223. Plaintiff resided at this address between the years of 1984-2003.
12. Mr. Law does not currently reside in Michigan. He lives in Florida and has lived there since February 2015.
13. Defendant violated the FDCPA in that it filed a lawsuit in a district in which Mr. Law does not reside. Further, it has sued Mr. Law to collecting a debt that has expired by the Statute of Limitations, which is six years in Michigan.

**COUNT I – VIOLATION OF THE FAIR DEBT COLLECTION
PRACTICES ACT**

14. Plaintiff reincorporates the preceding allegations by reference.

15. At all relevant times Defendants, in the ordinary course of their businesses, regularly engaged in the practice of collecting debts on behalf of other individuals or entities.

16. Mr. Law is a "consumer" for purposes of the FDCPA and the account at issue in this case is a consumer debt.

17. Defendants are "debt collectors" under the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. §1692a(6).

18. Defendants' foregoing acts in attempting to collect this alleged debt violated the following provisions of the FDCPA:

- a. 15 U.S.C. §1692e(2)(A) by misrepresenting the character, amount, or legal status of any debt. Defendants did this when they filed a lawsuit against Plaintiff over the alleged Debt that is unenforceable.
- b. 15 U.S.C. §1692f(1) by collecting any amount not permitted by law. Defendants did this when they filed a lawsuit against Plaintiff over the alleged Debt that is expired by the six year Statute of Limitations; and
- c. 15 U.S.C. §1692i(a)(2) by bringing a legal action against a consumer in the wrong judicial district court. Defendants did this when they

filed a lawsuit in the 50th Judicial District Court in Pontiac even though Plaintiff resides in Florida.

19.Mr. Law has suffered economic, emotional, general and statutory damages as a result of these violations of the FDCPA.

WHEREFORE, PLAINTIFF PRAYS THAT THIS COURT grant him damages plus costs, interest and attorneys' fees as provided by the Fair Debt Collection Practices Act.

COUNT II - VIOLATION OF THE MICHIGAN OCCUPATIONAL CODE

20.Plaintiff incorporates the preceding allegations by reference.

21. Defendants are "collection agencies" as that term is defined in the Michigan Occupational Code ("MOC"), M.C.L. § 339.901(b).

22.Mr. Law is a debtor as that term is defined in M.C.L. § 339.901(f).

23.Defendants' foregoing acts in attempting to collect this alleged debt violated the following provisions of the MOC:

- a. MCL § 339.915(f) by misrepresenting the legal status of the alleged Debt and the legal rights of the creditor. Defendants did this when they filed a lawsuit against Plaintiff over the alleged Debt that is unenforceable.

- b. MCL § 339.915(q) by failing to implement a procedure designed to prevent a violation by an employee.

24. Mr. Law has suffered damages as a result of these violations of the Michigan Occupational Code.

25. These violations of the Michigan Occupational Code were willful.

WHEREFORE, PLAINTIFF PRAYS THAT THIS COURT grant him damages plus costs, interest and attorneys' fees as provided by the Michigan Occupational Code.

COUNT III - VIOLATION OF THE MICHIGAN COLLECTION

26. Plaintiff incorporates the preceding allegations by reference.

27. Defendants are "Regulated Persons" as that term is defined in the Michigan Collection Practices Act ("MCPA"), at MCL § 445.251.

28. Mr. Law is a "Consumer" as that term is defined at MCL § 445.251.

29. Defendants' foregoing acts in attempting to collect this debt violated the following provisions of the MCPA:

- a. MCL § 445.252(f) by misrepresenting the legal status of the alleged Debt and the legal rights of the creditor. Defendants did this when they filed a lawsuit against Plaintiff over the alleged Debt that is unenforceable.

- b. MCL § 445.252(q) by failing to implement a procedure designed to prevent a violation by an employee.
30. Mr. Law has suffered damages as a result of these violations of the MCPA.
31. These violations of the MCPA were willful.

WHEREFORE, PLAINTIFF PRAYS THAT THIS COURT grant him damages plus costs, interest and attorneys' fees as provided by the Michigan Collection Practices Act.

JURY DEMAND

Plaintiff hereby demands a trial by Jury.

Respectfully submitted.

November 23, 2016

/s/ Gary Nitzkin
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